IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 15th day of June, 2004
Crl. Misc. Bail Application No. 645 of 2003

Order on the Bail Application:

CRIMINAL SIDE

Afzal
S/o Saeed @ Nehru,
R/o Village Ladpur Kala,
P.S. Laksar, District Haridwar.

…… Applicant

Versus

State of Uttaranchal …… Opposite Party

Arising out of Case Crime No. 72 of 2003
Under Section: 302 / 34 I.P.C.
Police Station: Jwalapur
District: Haridwar.

Hon'ble P.C. Verma, A.C.J.

Heard Shri S.P.S. Panwar, learned counsel for the applicant and learned Government Advocate.

The applicant is facing prosecution for the offence punishable under section 302 / 34 I.P.C. in case crime No. 72 of 2003 at Police Station Jwalapur, District Haridwar.

The accused appellant is the brother in law of one Smt. Hashmi, who has filed her affidavit stating that she got married six or seven years back with Galib, the brother of the accused. It has further been stated in the said affidavit that she was never tortured or ill-treated by Galib or his family members. She also denied in her affidavit that her uncle Ahmed came to her marital house carrying milk on 5.3.2003 and was treated badly by her husband or his family members. She has further stated that her uncle Ahmed was not murdered by the accused or her father in law and her husband on 8/9.3.2003. It is stated that

the F.I.R. has falsely been lodged by her brother Mansab ali due to his personal reasons.

Therefore, the facts stated in the said affidavit of Smt. Hashmi are contradictory to the allegations made in the F.I.R.

Considering these facts as mentioned in the affidavit of Smt. Hashmi, I direct that the applicant namely Afzal be released on bail on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the C.J.M., Haridwar.

(P.C. Verma, A.C.J.)

Dt. 15.06.2004
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